

Message Text

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R 250813Z JUN 74

FM AMEMBASSY RANGOON

TO SECSTATE WASHDC 8154

UNCLAS RANGOON 1746

E.O. 11652: N/A

TAGS: CVIS, BM

SUBJECT: BURMESE TRAVEL DOCUMENTS: 1) CERTIFICATES OF IDENTITY
AND 2) AFFIDAVITS IN LIEU OF PASSPORT

REF: STATE 134104

1. THE EMBASSY'S PRACTICE OF ACCEPTING BURMESE CERTIFICATES OF IDENTITY AS VALID FOR IMMIGRANT VISA PURPOSES GREW OUT OF THE DEPARTMENT'S TELEGRAM 72 OF AUGUST 21, 1964. AT THAT TIME THE DEPARTMENT LEFT IT TO THE DISCRETION OF THE CONSULAR OFFICER AS TO WHETHER OR NOT THESE CERTIFICATES MET THE REQUIREMENTS OF SECTION 101(A)(30). ACCEPTANCE OF THESE DOCUMENTS APPEARS, ALTHOUGH THE MEMORY OF THE POSTERIOR SENIOR FSL CONSULAR EMPLOYEE GOES BACK ONLY TO 1968, TO HAVE BEEN ABOUT THAT SAME TIME. IN THE ABSENCE OF SUBSEQUENT DEPARTMENTAL RULINGS TO THE CONTRARY THE EMBASSY HAS CONTINUED TO ASSUME THAT THE DEPARTMENT CONDONED THE ACCEPTANCE OF CERTIFICATES OF IDENTITY AS VALID TRAVEL DOCUMENTS FOR BURMESE CITIZENS.

2. IN THE SAME TELEGRAM THE DEPARTMENT DECLINED TO RULE ON A SECOND QUESTION, THAT IS, THE ACCEPTABILITY OF AFFIDAVITS IN LIEU OF PASSPORT, ON THE GROUNDS THAT STATELESS PERSONS ARE EXEMPT FROM PASSPORT REQUIREMENTS. WHILE THE NON-BURMESE CITIZEN CHINESE LIVING IN BURMA WOULD APPEAR TO QUALIFY FOR REPUBLIC OF CHINA PASSPORTS THEY ARE NONETHELESS STATELESS IN THE EYES OF THE GUB, AND ARE TREATED ACCORDINGLY. SINCE AT LEAST 1968, AND PROBABLY WELL BEFORE, THE EMBASSY HAS APPLIED A BROAD INTERPRETATION OF THE TERM "STATELESS". AS UNWANTED RESIDENTS OF BURMA WHO LACKED READY ACCESS TO REPUBLIC OF CHINA PASSPORT FACILITIES, THESE CHINESE

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WERE CONSIDERED BY SUCCESSIVE CONSULAR OFFICERS TO BE EFFECTIVELY

STATELESS. AGAIN, IN THE ABSENCE OF DEPARTMENTAL RULINGS TO THE CONTRARY, THE EMBASSY HAS CONTINUED TO OBSERVE THIS BROADER INTERPRETATION.

3. THE REFTEL HAS PROMPTED US TO REVIEW THE SITUATION AND THE EMBASSY FEELS THERE IS MUCH MERIT IN A STRICTER INTERPRETATION OF THE APPROPRIATE REGULATIONS. THE EMBASSY WILL HOWEVER CONTINUE TO RECOGNIZE CERTIFICATES OF IDENTITY AND AFFIDAVITS IN LIEU OF PASSPORTS AS REFLECTING GUB PERMISSION TO EMIGRATE. FOR THOSE CLASSES OF PERSONS DESCRIBED IN 22 CFR 42.6, AND HAVING THE ABOVE DEPARTURE DOCUMENTS, THE EMBASSY WILL CONTINUE TO WIAVE THE REQUIREMENT FOR VALID TRAVEL DOCUMENTS.
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